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Via ECF

September 21, 2023

The Honorable Lorna G. Schofield  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Cypress Holdings, III, LP v. Sport-BLX, Inc. et al.*, No. 22-cv-01243  
*Sport-BLX, Inc. v. Salerno, et al.*, No. 1:22-cv-08111

Dear Judge Schofield:

We represent Defendants GlassBridge Enterprises, Inc., Daniel Strauss and Francis Ruchalski (collectively, the “GlassBridge Parties”) in the first above-captioned matter, and write in opposition to the letter (Dkt. #131) filed by Cypress Holdings, III, L.P. (“Cypress”) seeking a pre-motion conference. The Glassbridge Parties join in the arguments made by the Sport-BLX Parties.

Cypress’ eleventh-hour request for a privilege log, made nearly a month after the close of fact discovery and on the cusp of summary judgment briefing, amounts to nothing more than a vexatious attempt to weaponize the Federal Rules of Civil Procedure to impose further burdens on Defendants. Discovery in this action has already far exceeded all bounds of proportionality and reason; the GlassBridge Parties have produced over 16,000 pages of documents after reviewing substantially more for responsiveness and privilege for well over the 160-hour limit set by Your Honor’s Individual Rules. In contrast, Cypress has failed to comply with its discovery obligations at every level and, despite requesting and obtaining multiple extensions of the fact discovery deadline, it has produced minimal documents. The blatant deficiencies in Cypress’ purported privilege log, combined with the fact that the close of discovery precludes any valid use of a privilege log, further demonstrates Cypress’ improper motive in raising this issue with the Court.



The Honorable Lorna G. Schofield  
September 21, 2023  
Page 2

In light of the above, and for the reasons detailed in the Sport-BLX Parties' letter, we respectfully submit that the Court should not permit Cypress to impose further discovery burdens on our clients. Cypress' request should accordingly be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. D. Carbone'.

Christian D. Carbone  
Loeb & Loeb LLP